

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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Amendment of Service and Eligibility Rules)	MB Docket No. 07-172
for FM Broadcast Translator Stations)	RM-11338
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To: Office of the Secretary (Electronic Filing)

**JOINT COMMENTS OF NORTH PALM BEACH BROADCASTING, INC.,
AND
FLAGLER COUNTY BROADCASTING, LLC**

North Palm Beach Broadcasting, Inc.¹, and Flagler County Broadcasting, LLC, (“Broadcasters”)², by their counsel, and pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, electronically file these Comments on the Commission’s Notice of Proposed Rulemaking, FCC 07-144, [22 FCC Rcd 15890] released August 15, 2007, and published in the Federal Register on November 6, 2007 [72 FR 62617] (“NPRM”).³

As discussed in the NPRM, on July 14, 2006, the National Association of Broadcasters (“NAB”) filed a Petition for Rulemaking proposing that the Commission

¹ North Palm Beach Broadcasting, Inc., is licensee of stand-alone AM station WSVU, North Palm Beach, Florida. WSVU is the only radio station licensed to North Palm Beach.

² Flagler County Broadcasting, LLC, is permittee of stand-alone AM station WNZF, Bunnell, Florida. WNZF is the only commercial radio station authorized to serve any community in Flagler County (2000 population: 62,151), Florida.

³ The date for filing comments was established as January 7, 2008, so these Comments are timely filed.

amend its rules to allow AM broadcast stations to operate FM translator stations. The NAB Petition proposed that AM stations be permitted to license and/or use FM translator stations to retransmit their AM service as a fill-in service. Specifically, the NAB proposed that AM stations be allowed to use FM translator stations to rebroadcast the AM signal, provided that no portion of the 60 dBu contour of any such FM translator station extends beyond the smaller of: (a) a 25-mile radius from the AM transmitter site; or (b) the 2 mV/m daytime contour of the AM station. As a result, the Commission proposed rules permitting the use of FM translators by AM stations.

Two affiliates of Broadcasters, InterMart Broadcasting Southwest Florida, Inc., and InterMart Broadcasting Collier County, Inc., previously filed comments in this proceeding in which they suggested that eligibility for FM translators providing AM fill-in service should be limited to licensees of daytime-only AM stations, Class C AM stations, and other AM facilities that either have serious nighttime coverage deficiencies or can convincingly demonstrate that they are subject to Cuban interference or other electrical interference that degrades their signals so as to make their transmissions unusable within the FM translator's fill-in service area. Broadcasters have reviewed the Commission's proposed rules and have determined that the proposed rules adequately address their affiliates' concerns. In light of this, Broadcasters fully support the proposals set forth in the NPRM and urges their prompt adoption. The signals of WSVU and WNZF are extremely restricted at night. Use of an FM translator with either or both stations would permit the population of their communities (sole local service in both cases) to receive the programs of both stations with the same clarity both day and night.

Broadcasters would like to suggest one modification to the proposed rules. Sec. 74.1283 Station identification currently prohibits requests for the assignment of particular combinations of call sign letters.⁴ For FM stations rebroadcast on FM translators, this has not been problematic since the translator station may be identified by over-the-air voice announcements or by Morse code. However, AM stations could better inform the public that their programs were being carried on FM translators if they could conform the FM Translator call signs to their AM call signs. This is currently the practice among Low Power Television licensees who may request call signs ending with the suffix “-LP” to replace their TV Translator calls signs which follow the same scheme as Section 74.1283(a).

Therefore, Broadcasters request that Section 74.1283(a) be revised as follows:

(a) Except for FM broadcast translators authorized to rebroadcast the programs of a standard broadcast station, the call sign of an FM broadcast translator station will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered. **FM broadcast translators authorized to rebroadcast the programs of a standard broadcast station may be assigned a call sign with a four-letter prefix pursuant to Sec. 73.3550 of the Commission's rules. Upon request (and subject to the consent of the primary AM station being rebroadcast), FM broadcast translator stations will be assigned the four-letter prefix of the call sign of the primary standard broadcast station being rebroadcast followed with the suffix -FX. In the case of multiple FM translators rebroadcasting the same primary AM station,**

⁴ Sec. 74.1283(a) Station identification, currently provides:

(a) The call sign of an FM broadcast translator station will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

FM broadcast translator stations will be assigned the four-letter prefix of the call sign of the primary standard broadcast station being rebroadcast followed with the suffix –FX1, FX2, FX3, and so forth. [emphasis supplied].

Use of FM translators by AM stations can in no way adversely impact other uses of the spectrum since the FM translators are already in existence utilizing the spectrum for the rebroadcast of FM stations. Although only FM stations are now authorized by rule to use FM translators, the use of FM translators by AM stations has been proven through the issuance of STAs to other licensees as described above to be easily implemented. In some cases, AM stations have been relegated to “second-class” status when compared to their FM sisters. As a result, some advertisers have only been able to afford to purchase time on AM stations because of the lower cost. This has, in some cases, led to the broadcast of unique programs not heard on full-power FM stations. FM translators would strengthen these stations by improving the delivery of sound quality and reception of their programs. The Commission can expect many other AM stations to utilize the FM translators to re-broadcast programs (like local high school sports events or severe weather information) to the stations’ daytime service areas where reception of the stations’ nighttime programming is severely restricted by reduced power or directional antennas. Adoption of the proposals in the NPRM is a “win-win” for the public and AM broadcast licensees.

WHEREFORE, Broadcasters respectfully urge the Commission to adopt the proposed rules as set forth in the NPRM, with the amendment to Section 74.1283(a) as requested.

Respectfully submitted,
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